

## Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 DHA-05 CIAE-00 DODE-00 NSAE-00  
NSCE-00 SSO-00 USIE-00 INRE-00 PM-05 H-01 INR-07  
L-03 PA-01 PRS-01 SP-02 SS-15 IO-13 AID-05 /071 W  
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FM AMEMBASSY BANGKOK  
TO SECSTATE WASHDC IMMEDIATE 5820

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E.O. 11652: N/A  
TAGS: SHUM, TH  
SUBJECT: THAMMASAT 18 ARRAIGNED

REF: (A) BANGKOK 19429  
(B) BANGKOK 19111

SUMMARY: TRIAL OF THAMMASAT 18 BEGAN SEPT 5 WITH RTG FORMALLY CHARGING 18 STUDENTS AND ACTIVISTS WITH FIVE SERIOUS OFFENSES, INCLUDING TREASON AND COMMUNIST ACTIVITY IN CONNECTION WITH EVENTS OF LAST OCT 6. THE ARRAIGNMENT, HELD AT THE DEFENSE MINISTRY, WAS OPEN TO THE PUBLIC AND WAS WELL ATTENDED BY MEMBERS OF THE INTERNATIONAL PRESS CORPS. THE ACTIVISTS, HANDLING THEIR OWN LEGAL DEFENSE IN THE COURTROOM, CLAIMED THE GOVT DOES NOT HAVE AUTHORITY TO TRY THEM FOR ALLEGED OFFENSES COMMITTED BEFORE THE NATIONAL ADMINISTRATIVE REFORM COUNCIL (NARC) ASSUMED POWER. THE COURTROOM SESSION ENDED WITH ONE OF THE DEFENDANTS MAKING AN IMPASSIONED PLEA TO THE PRESS, DENYING THE CHARGES AND DEMANDING THE RTG OBSERVE THE HUMAN RIGHTS OF THE ACCUSED. NEXT SESSION OF THE TRIAL IS SCHEDULED FOR OCTOBER 7. END SUMMARY.

1. THAMMASAT 18 WERE FORMALLY ARRAIGNED SEPT 5 BEFORE A MILITARY COURT AT THE MINISTRY OF DEFENSE IN BANGKOK. THE DEFENDANTS, 14  
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OF WHOM WERE STUDENTS WHO WERE DETAINED LAST OCTOBER 6 FOLLOWING DISTURBANCES AT THAMMASAT UNIVERSITY, FACE CHARGES OF TREASON, COMMUNIST ACTIVITY, ILLEGAL POSSESSION OF FIREARMS, MURDER OF GOVERNMENT OFFICIALS, INTRUSION AND INCITING UNREST. SIX OF THE ACCUSED ALSO FACE THE CHARGE OF LESE MAJESTE (SEE REFTTEL B FOR ANMES).

2. THE OPENING SESSION BEGAN WITH THE YOUTHFUL DEFENDANTS ENTERING A CROWDED AND SWELTERING COURTROOM IN LEG IRONS (AS IS CUSTOMARY FOR THE ACCUSED IN THAI COURT PROCEEDINGS) TO FACE A PROSECUTOR AND A PANEL OF THREE MILITARY JUDGES. EMBOFF WHO WAS IN ATTENDANCE NOTED THAT THAI AUTHORITIES PERMITTED THE DEFENDANTS TO TALK FREELY WITH MEMBERS OF THE PRESS, NUMBERING ABOUT 40 PERSONS, BOTH BEFORE AND AFTER THE ARRAIGNMENT. IN A DEPARTURE FROM STANDARD COURTROOM PRACTICES, THE PRESS WAS PERMITTED TO FILM THE TRIAL AT WILL THROUGHOUT THE DAY'S PROCEEDINGS. INTERNATIONAL NEWS MEDIA WAS WELL REPRESENTED, INCLUDING CBS, NBC AND WIRE SERVICES.

3. THE FIRST OF THE ACTIVISTS CHARGED WAS FORMER NSCT SECRETARY-GENERAL, SUTHAM SAENGPRATHUM, WHO REPLIED ON BEHALF OF THE GROUP OF DEFENDANTS THAT THE MILITARY COURT HAD NO JURISDICTION OVER OFFENSES ALLEGEDLY COMMITTED BEFORE THE NARC ASSUMED CONTROL OF THE GOVERNMENT ON THE EVENING OF OCTOBER 6, 1976. THE COURT NOTED THE GOVERNMENT DOES HAVE JURISDICTION IN THIS CASE. AFTER JOCKEYING BETWEEN COURT AND DEFENDANTS, COURT ANNOUNCED THE TRIAL WILL RESUME ON OCTOBER 7, WHEN THE FIRST OF APPROXIMATELY 200 WITNESSES FOR THE PROSECUTION WILL BEGIN TO TESTIFY. THE THIRD TRIAL SESSION IS SCHEDULED FOR OCT 13.

4. AN RTA OFFICER ATTENDING THE TRIAL TOLD EMBOFF THERE WILL BE ONLY TWO OR THREE COURTROOM SESSIONS PER MONTH AND THAT THE TRIAL WILL LIKELY EXTEND OVER A PERIOD OF MANY MONTHS. HE ALSO LIMITED OFFICIAL USE

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SAID THE DEFENDANTS HAVE THE RIGHT TO CONSULT LEGAL COUNSEL, THOUGH DEFENSE LAWYERS WILL CONTINUE TO BE BARRED FROM TAKING PART IN THE COURT PROCEEDINGS (WE WILL CONFIRM HIS COMMENT ON DEFENDANTS' ACCESS TO LAWYERS).

5. THE ARRAIGNMENT ENDED WITH ONE OF THE DEFENDANTS, VIROT TANGVANICH, ADDRESSING THE THRONG OF NEWSMEN IN THE COURTROOM WITH AN IMPASSIONED PLEA (IN ENGLISH), IN WHICH HE CATEGORICALLY DENIED CHARGES OF TREASON, COMMUNIST ACTIVITY AND LESE MAJESTE AND DEMANDED THE THAI GOVERNMENT OBSERVE THE HUMAN RIGHTS OF THE ACCUSED. COURT AND GUARDS ALLOWED SPEECH WITHOUT HINDRANCE.

COMMENT: TRIAL SESSION CONDUCTED IN OPEN, FREE-WHEELING ATMOSPHERE, WITH DEFENDANTS AND MEDIA DOMINATING. WHATEVER INADEQUACIES IN TERMS OF FORMAL DUE PROCESS, DEFENDANTS WERE NOT RESTRAINED IN MAKING THEIR CASE EITHER TO THE COURT OR TO THE MEDIA. PRESENCE OF EMBOFF NOTED BY MEDIAM HOWEVER, EMBOFF INDICATED SIMPLY THAT HE PRESENT TO OBSERVE TRIAL AND MADE NO FURTHER COMMENT. EMBASSY DOES NOT INTEND TO MAKE ANY PUBLIC COMMENT OTHER THAN CONFIRM ATTENDANCE OF EMBOFF.

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## Message Attributes

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